

Remarks/Arguments:

This is a reply to the office action of June 19.

The claims are being amended to include method claims (new claims 5 to 8) which are the direct counterparts of the existing claims (claims 1 to 4) to the postage meter.

35 USC 102

In the Office Action, the Examiner is alleging that the subject-matter of claim 1 is anticipated by Sievel et al. (US-4780835). This is not the case.

The claimed invention requires first control means which is operative to generate print data signals which define an invalid postage indicium, where the print data signals include first print data signals which define a valid postage indicium and second print data signals which define a void marking.

It is understood that the Examiner considers Sievel et al. to disclose such first control means, insofar as the system of Sievel et al. provides for the printing of postage, which the Examiner apparently considers to be the valid postage indicium of the claimed invention, and an invalid bar code format (47a, Figures 3A and 5B), which the Examiner apparently considers to be the void marking of the claimed invention.

The claimed invention, however, further requires second control means which is operative to prevent operation of the authorized printing means by the second print data signals of the print data signals as generated by the first control means, such that the authorized printing means is operated only by the first print data signals to print a valid postage indicium.

The system of Sievel et al. neither discloses nor suggests such second control means as required by the claimed invention.

The system of Sievel et al. does allow for the printing of postage and a valid bar code format (47b, Figures 3B and 5B), but this valid bar code format (47b) is printed as an alternative to the invalid bar code format (47a). There is absolutely no suggestion in Sievel et al. of any means which provides for the printing of a valid postage indicium from print data signals which define **both** a valid postage indicium and a void marking. The system of Sievel et al. quite differently provides, in the alternative, for the printing of postage and one of an invalid bar code format (47a) or a valid bar code format (47b).

In relation to the distinction of the claimed invention vis-à-vis Sievel et al., the Examiner is alleging that the composition of the generated print data signals cannot provide a structural limitation which can be relied upon in distinguishing the claimed invention over the prior art.

It is respectfully submitted that the claimed invention does not rely alone on the composition of the generated print data signals to distinguish over the prior art, but rather the claimed invention is distinguished in structural terms, in requiring second control means (structure) which is required to provide for the printing of a valid postage indicium from print data signals which define **both** a valid postage indicium and a void marking, this being achieved through prevention of the operation of the authorized printing means by the (second) print data signals which define the void marking.

The system of Sievel et al. has no such second control means which provides for the printing of a valid postage indicium from print data signals which define **both** a valid postage indicium and a void marking, and this second control means manifestly provides a structural limitation. As discussed above, the system of Sievel et al. only

provides, in the alternative, for the printing of postage and one of an invalid bar code format (47a) or a valid bar code format (47b).

Accordingly, it is submitted that the subject-matter of claim 1 is patentably distinguished from the disclosure of Sievel et al.

Notwithstanding that the claimed postage meter is distinguished in structural terms, method claims (new claims 5 to 8) which are the direct counterparts of the existing claims (claims 1 to 4) to the postage meter have been introduced.

It is submitted that these method claims clearly allow for the composition of the generated print data signals to be considered in distinguishing the claimed invention over the prior art, even if the Examiner were to maintain his objection to lack of structural limitation in claim 1.

35 USC 103

The Examiner has rejected the subject-matter of claims 2 to 4 as being unpatentable over Sievel et al. This is not the case. It is submitted that claims 2 to 4 are dependent upon an allowable independent claim (claim 1), and, as such, are themselves allowable. Similarly, new claims 6 to 8, in being dependent upon an allowable independent claim (new claim 5) are themselves allowable.

We believe that this application is now in condition for allowance.

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